

House Bill 95 (AS PASSED HOUSE AND SENATE)

By: Representatives Willard of the 49th and Oliver of the 83rd

A BILL TO BE ENTITLED
AN ACT

1 To amend the Official Code of Georgia Annotated, so as to correct typographical, stylistic,
2 capitalization, punctuation, and other errors and omissions in the Official Code of Georgia
3 Annotated and in Acts of the General Assembly amending the Official Code of Georgia
4 Annotated; to reenact the statutory portion of the Official Code of Georgia Annotated, as
5 amended; to provide for necessary or appropriate revisions and modernizations of matters
6 contained in the Official Code of Georgia Annotated; to repeal portions of the Code and Acts
7 amendatory thereof which have become obsolete; to delete portions of the Code which have
8 been superseded by subsequent state laws; to provide for and to correct citations in the
9 Official Code of Georgia Annotated and other codes and laws of the state; to rearrange,
10 renumber, and redesignate provisions of the Official Code of Georgia Annotated; to provide
11 for other matters relating to the Official Code of Georgia Annotated; to provide effective
12 dates; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Reserved.

16 **SECTION 2.**

17 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended as
18 follows:

19 (1) By striking "(7 CFR 51.3195-51.3209)," and inserting in its place "(7 C.F.R.
20 51.3195-51.3209)," and by striking "(7 CFR 51.1055-51.1071)" and inserting in its place "(7
21 C.F.R. 51.1055-51.1071)" in Code Section 2-14-137, relating to standards for grades for
22 Vidalia onions.

23 (2) By striking the single quotation marks before and after the words "Contingent claim" the
24 second time those words appear and inserting in their place double quotation marks in

1 paragraph (1) of subsection (a) of Code Section 2-19-5.1, relating to the definition of "cotton
2 ginner," payment of excess funds in indemnity fund, and filing claims.

3 **SECTION 3.**

4 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
5 amended as follows:

6 (1) By inserting a comma following "As used in this subsection" and by inserting "an"
7 following "a special agent or" in subsection (e) of Code Section 3-2-30, relating to the
8 powers and duties of special agents and enforcement officers of the Department of Revenue
9 generally, bond requirement, and retention of weapon and badge upon retirement or
10 disability.

11 **SECTION 4.**

12 Reserved.

13 **SECTION 5.**

14 Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, is amended
15 as follows:

16 (1) By striking the comma following "15-6-9" in subsection (e) of Code Section 5-6-46,
17 relating to operation of notice of appeal as supersedeas in civil cases, requirement of
18 supersedeas bond or other form of security, fixing of amount, procedure upon no or
19 insufficient filing, effect of bond as to liability of surety, and punitive damages.

20 **SECTION 6.**

21 Reserved.

22 **SECTION 7.**

23 Reserved.

24 **SECTION 8.**

25 Reserved.

26 **SECTION 9.**

27 Reserved.

SECTION 10.

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended as follows:

(1) By striking "delivery, or" and inserting in its place "delivery or," in the form in Code Section 10-4-213, relating to enforcement of a lien without judicial intervention.

(2) By striking "the 'Georgia Administrative Procedures Act,' Code Section 50-13-1 et seq." and inserting in its place "Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'" and by striking "in accordance with the 'Georgia Administrative Procedures Act.'" and inserting in its place "in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'" in subsection (c) of Code Section 10-15-6, relating to penalty, hearing, and effect of judgment in regard to certain credit transactions.

SECTION 11.

Reserved.

SECTION 12.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended as follows:

(1) By striking the designation of repealed and inserting in its place the designation of reserved in subsection (c) of Code Section 12-2-4, relating to powers and duties of the Department of Natural Resources.

(2) By inserting "(3) 'Water Council' means the Water Council created by Code Section 12-5-524." immediately following paragraph (2) of Code Section 12-5-521, relating to definitions in regard to comprehensive state-wide water management planning.

(3) By striking "created by Code Section 12-5-524" in subsection (a) of Code Section 12-5-523, relating to cooperation with the Water Council, involvement of stakeholders, and initial draft plan.

(4) By striking "coordinating committee called the" and by deleting the quotation marks around "Water Council" in the first sentence of subsection (a) of Code Section 12-5-524, relating to creation of the Water Council and obligations of the council.

(5) By striking "supercedes" and inserting in its place "supersedes" in subparagraph (a)(3)(B) of Code Section 12-5-525, relating to a comprehensive state-wide water management plan and approval by the General Assembly, alternative to passage by legislature, emergency actions by Water Council in event of imminent peril, and review and revision of plan.

1 (6) By striking "Heritage" and inserting in its place "heritage" in paragraphs (2) and (3) of
 2 Code Section 12-6-242, relating to definitions in regard to the "Forest Heritage Trust Act of
 3 2004."

4 (7) By striking "Heritage preserves" and inserting in its place "Forest heritage preserves" in
 5 the introductory language and by striking "heritage preserve" and inserting in its place "forest
 6 heritage preserve" in paragraph (2) of Code Section 12-6-246, relating to the use of forest
 7 heritage preserves.

8 **SECTION 13.**

9 Reserved.

10 **SECTION 14.**

11 Title 14 of the Official Code of Georgia Annotated, relating to corporations, is amended as
 12 follows:

13 (1) By inserting a comma following "retrieved" in current paragraph (8), by redesignating
 14 current paragraph (8) as paragraph (9), by redesignating current paragraph (9) as paragraph
 15 (8), by striking "First-class" and inserting in its place "First class" and by striking "first-class"
 16 and inserting in its place "first class" in paragraph (12), by redesignating current paragraph
 17 (26) as paragraph (28), by redesignating current paragraph (27) as paragraph (26), and by
 18 redesignating current paragraph (28) as paragraph (27) in Code Section 14-2-140, relating
 19 to definitions in regard to business corporations.

20 (2) By inserting a comma following "incorporation" in the first sentence and by striking "are
 21 issued; in each case" and inserting in its place "are issued. In each case" in Code Section
 22 14-2-602, relating to terms of class or series of shares determined by board of directors.

23 (3) By striking subsection (h) of Code Section 14-2-704, relating to action without meeting
 24 in regard to meetings, shareholders, and business corporations, and inserting in lieu thereof
 25 the following:

26 "(h) An electronic transmission which is transmitted by a shareholder that evidences a
 27 shareholder's consent, requests or demands an action to be taken by the corporation, or
 28 provides notice to the corporation under this chapter shall be deemed to be written, signed,
 29 and dated for the purposes of this chapter, provided that any such electronic transmission
 30 sets forth or is delivered with information from which the corporation can determine:

31 (1) That ~~that~~ the electronic transmission was transmitted by the shareholder; and

32 (2) The ~~the~~ date on which such shareholder transmitted such electronic transmission. The
 33 date on which such electronic transmission is transmitted shall be deemed to be the date
 34 on which such consent, request, demand, or notice was signed."

1 (4) By redesignating current paragraph (11) as paragraph (12) and current paragraph (12)
 2 as paragraph (11), respectively, in Code Section 14-3-140, relating to definitions in regard
 3 to nonprofit corporations.

4 (5) By striking "otherwise, but" and inserting in its place "otherwise but" in paragraph (3)
 5 and by striking "joint-stock association or a limited partnership," and inserting in its place
 6 "joint-stock association, or a limited partnership" in paragraph (6) of subsection (a) of Code
 7 Section 14-3-1108, relating to definitions, merger with foreign corporations, and
 8 requirements in regard to nonprofit corporations.

9 (6) By striking the period and inserting a semicolon in its place at the end of
 10 subparagraph (C) of paragraph (3) of Code Section 14-3-1401, relating to the dissolution of
 11 a nonprofit corporation by incorporators or initial directors.

12 (7) By inserting a comma following "Code Section 14-3-401" in the introductory language
 13 and inserting "or" at the end of paragraph (1) of subsection (a) of Code Section 14-3-1506,
 14 relating to the corporate name of a foreign corporation.

15 (8) By striking "state that" and inserting in its place "state, that" in subsection (d) of Code
 16 Section 14-3-1701, relating to the applicability of the Georgia Nonprofit Corporation Code.

17 **SECTION 15.**

18 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended as follows:

19 (1) By striking "There shall be a Georgia Courts Automation Commission, hereafter referred
 20 to at times in this article as the 'commission.'" and inserting in its place "There shall be a
 21 Georgia Courts Automation Commission." in subsection (a) of current Code Section 15-5-80,
 22 relating to the Georgia Courts Automation Commission, members, appointment of officers,
 23 and compensation; by redesignating current Code Section 15-5-80 as Code Section
 24 15-5-80.1; and by inserting a new Code Section 15-5-80 to read as follows:

25 "15-5-80.

26 As used in this article, the term:

27 (1) 'Commission' means the Georgia Courts Automation Commission.

28 (2) 'Council' means the advisory council to the commission."

29 (2) By striking "There shall be an Advisory Council to the Georgia Courts Automation
 30 Commission, hereafter referred to in this article as the 'advisory council.'" and inserting in
 31 its place "There shall be an advisory council to the Georgia Courts Automation
 32 Commission." in subparagraph (a) of Code Section 15-5-81, relating to an advisory council
 33 to the commission, members, and compensation in regard to the Georgia Courts Automation
 34 Commission.

35 (3) By striking "a council of court administrators to be known as the 'Georgia Council of
 36 Court Administrators.'" and inserting in its place "the Georgia Council of Court

1 Administrators." in existing subsection (a); by striking "Georgia Council of Court
 2 Administrators" and inserting in its place "council" in existing subsection (d); by
 3 redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and by
 4 inserting a new subsection (a) in Code Section 15-5-100, relating to the creation of Georgia
 5 Council of Court Administrators, composition, organization, purpose, expenses, and powers,
 6 to read as follows:

7 "(a) As used in this Code section, the term 'council' means the Georgia Council of Court
 8 Administrators."

9 (4) By inserting between the "(k)" and the "(1)" designation a catchline to read
 10 "*Simultaneous service by judges.*" in paragraph (1) of subsection (k) of Code Section
 11 15-11-18, relating to the creation of juvenile courts, terms and compensation of judges, state
 12 grants for judicial salaries, qualifications, presiding judge, practice of law, actions by judges,
 13 administration, and expenditures.

14 (5) By striking "subsection (o) of Code Section 15-11-58" and inserting in its place
 15 "subsection (a) of Code Section 15-11-58.1" in paragraph (1) of subsection (g) of Code
 16 Section 15-11-155, relating to a hearing for the approval of a mental competency plan,
 17 additional hearings, notice, review of plan, later determination of mental competency, civil
 18 commitment, and referral to adult services.

19 (6) By striking "print-out" and inserting in its place "printout" in subsection (b) of Code
 20 Section 15-12-43, relating to the jury list book or computer printout.

21 (7) By striking "crime," and inserting in its place "crime;"; by striking "relating to the 'Crime
 22 Victims' Bill of Rights,'" and inserting in its place "the 'Crime Victims' Bill of Rights';"; and
 23 by striking "sodomy," and inserting in its place "sodomy;" in paragraph (2) of subsection (c)
 24 of Code Section 15-18-14.1, relating to district attorney investigators.

25 (8) By striking "Code Section 15-21A-3 and 15-21A-6" and inserting in its place "Code
 26 Sections 15-21A-3 and 15-21A-6" in subsection (a) of Code Section 15-21A-5, relating to
 27 retention of funds by the Georgia Superior Court Clerks' Cooperative Authority, remittance
 28 to general fund of state treasury, and accumulation of interest.

29 **SECTION 16.**

30 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 31 amended as follows:

32 (1) By striking "subsections (c), (d), and (e)" and inserting in its place "subsections (c)
 33 through (f)" in subsection (b) of Code Section 16-5-20, relating to simple assault.

34 (2) By striking "provided in subsections (c) through (h)" and inserting in its place "provided
 35 in subsections (c) through (i)" in subsection (b) of Code Section 16-5-23, relating to simple
 36 battery.

1 (3) By striking "at the time of arrest, the name and address of the convicted person, and the
2 date, time, place of arrest, and disposition of the case" and inserting in its place "at the time
3 of arrest; the name and address of the convicted person; the date, time, and place of arrest;
4 and the disposition of the case" in subsection (a) of Code Section 16-5-26, relating to
5 publication of second or subsequent conviction of simple assault, simple battery, or battery,
6 cost of publication, and good faith publications immune from liability.

7 (4) By striking "ammonia" and inserting in its place "ammonia,", by striking "16-11-111,"
8 and inserting in its place "16-11-111;", and by striking "16-13-30.3," and inserting in its
9 place "16-1-30.3;" in paragraph (1) and by striking "body, or the substantial" and inserting
10 in its place "body, the substantial" in paragraph (5) of subsection (a) of Code Section
11 16-5-73, relating to prohibition against the presence of children during the manufacture of
12 methamphetamine and punishment.

13 (5) By striking "at the time of arrest, the name and address of the convicted person, and the
14 date, time, place of arrest, and disposition of the case" and inserting in its place "at the time
15 of arrest; the name and address of the convicted person; the date, time, and place of arrest;
16 and the disposition of the case" in subsection (a) of Code Section 16-5-96, relating to
17 publication of second or subsequent conviction of stalking or aggravated stalking, cost of
18 publication, and good faith publications immune from liability.

19 (6) By striking "electronic monitor" and inserting in its place "electronic monitoring device"
20 in paragraph (4) of current subsection (a); by redesignating current subsection (a) as
21 subsection (b) and current subsection (b) as subsection (c), respectively; by redesignating
22 current subsection (c) as subsection (a); and by striking "5" and inserting in its place "five"
23 in subsection (d) of Code Section 16-7-29, relating to interference with electronic monitoring
24 devices, the definition of an "electronic monitoring device," and penalty.

25 (7) By striking "as defined in Code Section 49-5-3," and inserting in its place "as defined in
26 Code Section 20-1A-2," in paragraph (4) of subsection (a) of Code Section 16-12-2, relating
27 to smoking in public places.

28 (8) By striking "commerce and certain payday" and inserting in its place "commerce. Certain
29 payday" in subsection (d) of Code Section 16-17-1, relating to the definition of "payday
30 lending," legislative findings, prohibited activity, and no impairment of agencies with
31 concurrent jurisdiction.

32 (9) By striking "electronic," and inserting in its place "electronic means," in the introductory
33 language of subsection (a) and by striking "five years imprisonment" and inserting in its
34 place "five years' imprisonment" in subsection (d) of Code Section 16-17-2, relating to
35 prohibition on loans of less than \$3,000.00, exceptions, and penalty for violations.

1 (10) By striking "district attorney one-half" and inserting in its place "district attorney,
2 one-half" in subsection (b) of Code Section 16-17-4, relating to liability for civil penalty to
3 state and distribution of proceeds.

4 (11) By striking "or other business entities" and inserting in its place "and other business
5 entities" and by striking "Department of Banking and Finance and" and substituting in its
6 place "Department of Banking and Finance, and" in Code Section 16-17-7, relating to the
7 prohibition against the issuance of certificate of authority from the Secretary of State.

8 **SECTION 17.**

9 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
10 amended as follows:

11 (1) By inserting "State" immediately preceding "Board of Pardons and Paroles" in
12 paragraph (4) of subsection (a) of Code Section 17-10-1, relating to fixing of sentence,
13 suspension or probation of sentence, change in sentence, eligibility for parole, prohibited
14 modifications, and exceptions.

15 (2) By striking "and" immediately following "Code section" both times it appears in
16 subsection (c) of Code Section 17-12-8, relating to approval by the Georgia Public Defender
17 Standards Council of programs for representation of indigents, development of standards,
18 and submission to and ratification by the General Assembly of standards having a fiscal
19 impact.

20 (3) By striking "defender, and" and inserting in its place "defender and" in paragraph (2) of
21 subsection (a) of Code Section 17-12-27, relating to appointment of assistant public
22 defenders, salary, and promotions.

23 **SECTION 18.**

24 Reserved.

25 **SECTION 19.**

26 Reserved.

27 **SECTION 20.**

28 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended as
29 follows:

30 (1) By striking "on-site" and inserting in its place "on site" in paragraph (2) of subsection (a)
31 of Code Section 20-1A-13, relating to definitions, emergency placement of monitors,
32 contents of emergency orders, and hearing and procedure in regard to early care and learning.

- 1 (2) By striking "industry, trade, and tourism," and inserting in its place "economic
2 development" twice in the undesignated text of subsection (a) of Code Section 20-1A-61,
3 relating to the Georgia Child Care Council and its members, length of terms, appointments,
4 and removal of members.
- 5 (3) By striking "school-aged children" and inserting in its place "school age children" in
6 paragraph (1) of subsection (a) of Code Section 20-1A-64, relating to the functions and
7 authority of the lead agency and department in regard to the Georgia Child Care Council.
- 8 (4) By striking "provisions of law" and inserting in its place "provision of law" in Code
9 Section 20-2-56, relating to nonpartisan elections for members of boards of education.
- 10 (5) By striking "online course of study" and inserting in its place "on-line course of study"
11 in paragraph (2) of subsection (a) of Code Section 20-2-142, relating to prescribed courses
12 in regard to competencies and core curriculum and the development and dissemination of
13 instructional materials on the effect of alcohol.
- 14 (6) By striking "none of which are amended," and inserting in its place "none of which is
15 amended," in subsection (d) of Code Section 20-2-167, relating to funding for direct
16 instructional, media center, and staff development costs, a computerized uniform budget and
17 accounting system, and submission of a local budget to the state board.
- 18 (7) By striking "except as otherwise provided in subsection (k) of this Code section for the
19 2003-2004 and 2004-2005 school years only" and by striking ", except as otherwise provided
20 in subsection (k) of this Code section for the 2003-2004 and 2004-2005 school years only"
21 in subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for
22 payment of salaries and benefits, maximum class size, reporting requirements, and
23 application to specific school years.
- 24 (8) By redesignating the subsection (b) designation as (b)(1) and by redesignating current
25 paragraphs (1) through (4) as paragraphs (2) through (5), respectively, in subsection (b) of
26 Code Section 20-2-200, relating to the regulation of certificated professional personnel by
27 the Professional Standards Commission.
- 28 (9) By striking "online" and inserting in its place "on line" each time it appears in
29 subsection (c) of Code Section 20-2-201, relating to specific course requirements, in-service
30 or continuing education, and on-line offerings.
- 31 (10) By striking "grades K through 5" and inserting in its place "grades kindergarten through
32 five" in subsection (e) of Code Section 20-2-218, relating to duty-free lunch periods,
33 exchange of lunch period for compensation or other benefit, length of school day not
34 affected, exemption for extenuating circumstances, and funding.
- 35 (11) By striking "State" and inserting in its place "state" in the introductory language of
36 subsection (f) of Code Section 20-2-260, relating to capital outlay funds generally.

1 (12) By striking "third grade" wherever it appears and inserting in its place "third-grade" in
 2 subsections (a) and (b) and by striking "EIP" and inserting "early intervention programs" and
 3 by striking "school year, and" and inserting in its place "school year; and" in subsection (b)
 4 of Code Section 20-2-285.1, relating to provisions applicable to third-grade
 5 criterion-referenced reading assessment students.

6 (13) By striking "subsection (b) or subsection (c)" and inserting in its place "subsection (b)
 7 or (c)" in subsection (d) of Code Section 20-2-290, relating to organization of schools,
 8 middle school programs, and schedule.

9 (14) By striking "As used in this Code Section," and inserting in its place "As used in this
 10 Code section," in subsection (a) and by striking "athlete" and inserting in its place
 11 "student-athlete" in paragraph (1) of subsection (b) of Code Section 20-2-317, relating to
 12 inappropriate means of encouraging and rewarding student-athletes, penalty, and notice to
 13 students.

14 (15) By striking "As used in this Code Section," and inserting in its place "As used in this
 15 Code section," in subsection (a) of Code Section 20-2-318, relating to intercollegiate athletics
 16 and remedies for improper activities.

17 (16) By striking "indentify" and inserting in its place "identify" in subsection (a) and by
 18 inserting a comma after "personnel records" in subsection (c) of Code Section 20-2-320,
 19 relating to the Education Information Steering Committee, identification of data to
 20 implement the Quality Basic Education Program, State Data and Research Center, and
 21 state-wide comprehensive educational information network.

22 (17) By striking "drivers and, each" and inserting in its place "drivers, and each" in
 23 subsection (a) of Code Section 20-2-1126, relating to written policies and procedures for
 24 operation of school buses, receipt of code of conduct by students, and acknowledgment by
 25 parent or guardian.

26 (18) By striking "five days public notice" and inserting in its place "five days' public notice"
 27 in subsection (c) of Code Section 20-14-3, relating to membership, officers, and meetings in
 28 regard to the Education Coordinating Council.

29 **SECTION 21.**

30 Reserved.

31 **SECTION 22.**

32 Title 22 of the Official Code of Georgia Annotated, relating to eminent domain, is amended
 33 as follows:

34 (1) By striking Code Section 22-3-160, relating to public hearings required and exception
 35 to hearing requirement, and inserting in its place the following:

1 "22-3-160.

2 As used in this article, the term 'utility' means a person, corporation, or other entity that
 3 generates, transmits, distributes, supplies, or sells electricity for public or private use in this
 4 state or generates electricity in this state for transmission or distribution outside this state.

5 22-3-160.1.

6 (a) Before exercising the right of eminent domain for purposes of constructing or
 7 expanding an electric transmission line with a design operating voltage of 115 kilovolts or
 8 greater and a length of one mile or more, any ~~person, corporation, or other entity that~~
 9 ~~generates, transmits, distributes, supplies, or sells electricity for public or private use in this~~
 10 ~~state or generates electricity in this state for transmission or distribution outside this state~~
 11 ~~(hereinafter in this article referred to as 'utility')~~ utility shall schedule and hold one or more
 12 public meetings with an opportunity for comment by members of the public. In any
 13 proceeding to exercise the right of eminent domain for purposes of an electric transmission
 14 line for which the utility began land acquisition negotiations on or after July 1, 2004, the
 15 utility shall be required to demonstrate substantial compliance with this Code section as a
 16 condition for exercising the right of eminent domain.

17 (b) Prior to the public meeting or meetings required by this Code section, the utility shall
 18 provide adequate public notice of the utility's intent to construct or expand an electric
 19 transmission line and adequate public notice of the public meeting or meetings related to
 20 the electric transmission line as follows:

21 (1) By publishing adequate public notice of said public meeting or meetings in a
 22 newspaper of general circulation in each county in which any portion of the electric
 23 transmission line is to be constructed or expanded. Said notice shall be published at least
 24 30 days prior to the date of the first public meeting related to the electric transmission line
 25 and shall include the following: the date, time, and location of each meeting; a statement
 26 that the purpose of the meeting or meetings is to provide public notice of the utility's
 27 intent to construct or expand an electric transmission line for which the right of eminent
 28 domain may be exercised; a description of the proposed project including the general
 29 route of the electric transmission line and the general property area within which the
 30 utility intends to construct or expand the electric transmission line; the width of the
 31 proposed transmission line route; and a description of the alternative construction
 32 approaches considered by the utility and a statement of why such alternatives were
 33 rejected by the utility; and

34 (2) By providing written notice of the public meeting or meetings, by means of certified
 35 mail, to each owner of property, as indicated in the tax records of the county in which
 36 such property is located, over which the utility intends to construct or expand the electric

1 transmission line and to the chairpersons or chief executives of the counties and the
2 mayors of any municipalities in which such property is located. Such notice shall be
3 mailed at least 30 days prior to the date of the first public meeting related to the electric
4 transmission line and shall include all of the information required by paragraph (1) of this
5 subsection.

6 (c) At least one public meeting shall be held in each county in which the electric
7 transmission line would be located. In any county in which the electric transmission line
8 would require acquisition of property rights from more than 50 property owners, two or
9 more public meetings shall be held. The public meetings shall be held in an accessible
10 location and shall be open to members of the public. At least one of the public meetings
11 shall commence between 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday. At
12 the public meetings, the utility shall provide a description of the proposed project including
13 the general route of the electric transmission line and the general property area within
14 which the utility intends to construct or expand the electric transmission line, the width of
15 the proposed transmission line route, and a description of the alternative construction
16 approaches considered by the utility and a statement of why such alternatives were rejected
17 by the utility. At the public meetings, the utility shall allow a reasonable opportunity for
18 members of the public to express their views on the proposed project and to ask questions.

19 (d) A utility shall not be required to give notice of or hold public meetings with respect to
20 any of the following:

21 (1) An electric transmission line to be constructed or expanded by a utility on an
22 established right of way or land that was acquired by the utility or any other utility prior
23 to July 1, 2004;

24 (2) An electric transmission line for which the utility began land acquisition negotiations
25 prior to July 1, 2004;

26 (3) An electric transmission line to be constructed or expanded by a utility on an
27 established right of way or land that is owned or controlled by a state agency, a county,
28 a municipality, or an agency, bureau, or department of the United States;

29 (4) An electric transmission line to be constructed or expanded by a utility for the
30 purpose of relocating an existing electric transmission line at the direction, order, or
31 request of a state agency, a county, a municipality, or an agency, bureau, or department
32 of the United States;

33 (5) An electric transmission line to be constructed or expanded by a utility without
34 exercising the power of eminent domain to acquire the right of way or easement area for
35 such line; or

1 (6) An electric transmission line to be constructed by a utility for the purpose of serving
 2 an electric substation or switching station to be constructed on a site that is owned or
 3 controlled by a utility customer to be served by such substation or switching station."

4 (2) By striking "subsection (a) of Code Section 22-3-160" and inserting in its place
 5 "subsection (a) of Code Section 22-3-160.1" in subsection (a) and by striking "subsection (d)
 6 of Code Section 22-3-160" and inserting in its place "subsection (d) of Code Section
 7 22-3-160.1" in subsection (c) of Code Section 22-3-161, relating to selection of route for
 8 electric transmission line and settlement negotiations with property owners.

9 **SECTION 23.**

10 Reserved.

11 **SECTION 24.**

12 Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended as
 13 follows:

14 (1) By striking Code Section 24-4-60, relating to the requirement for DNA analysis of blood
 15 of persons convicted of certain sex offenses and the storage of the profile in a data bank, and
 16 inserting the following:

17 "24-4-60.

18 (a) As used in this Code section, the term 'state correctional facility' means a penal
 19 institution under the jurisdiction of the Department of Corrections, including inmate work
 20 camps and inmate boot camps; provided, however, that such term shall not include a
 21 probation detention center, probation diversion center, or probation boot camp under the
 22 jurisdiction of the Department of Corrections.

23 (b) Any person convicted of a criminal offense defined in Code Section 16-6-1, relating
 24 to the offense of rape; Code Section 16-6-2, relating to the offense of sodomy or
 25 aggravated sodomy; Code Section 16-6-3, relating to the offense of statutory rape; Code
 26 Section 16-6-4, relating to the offense of child molestation or aggravated child molestation;
 27 Code Section 16-6-5, relating to the offense of enticing a child for indecent purposes; Code
 28 Section 16-6-5.1, relating to the offense of sexual assault against persons in custody, sexual
 29 assault against a person detained or a patient in a hospital or other institution, or sexual
 30 assault by a practitioner of psychotherapy against a patient; Code Section 16-6-6, relating
 31 to the offense of bestiality; Code Section 16-6-7, relating to the offense of necrophilia; or
 32 Code Section 16-6-22, relating to the offense of incest, shall have a sample of his or her
 33 blood, an oral swab, or a sample obtained from a noninvasive procedure taken for DNA
 34 (deoxyribonucleic acid) analysis to determine identification characteristics specific to the
 35 person. In addition, on and after July 1, 2000, any person convicted of a felony and

1 incarcerated in a state correctional facility shall at the time of entering the prison system
 2 have a sample of his or her blood, an oral swab, or a sample obtained from a noninvasive
 3 procedure taken for DNA (deoxyribonucleic acid) analysis to determine identification
 4 characteristics specific to the person. The provisions and requirements of this Code section
 5 shall also apply to any person who has been convicted of a felony prior to July 1, 2000, and
 6 who currently is incarcerated in a state correctional facility in this state for such offense.
 7 The provisions and requirements of this Code section shall also apply to any person who
 8 has been convicted of a felony in this state on or after July 1, 2000, and who is incarcerated
 9 in a private correctional facility in this state for such offense pursuant to a contract with the
 10 Department of Corrections upon entering the facility, and for any person convicted of a
 11 felony prior to July 1, 2000, and who is incarcerated in a private correctional facility in this
 12 state pursuant to contract with the Department of Corrections. The analysis shall be
 13 performed by the Division of Forensic Sciences of the Georgia Bureau of Investigation.
 14 The division shall be authorized to contract with individuals or organizations for services
 15 to perform such analysis. The identification characteristics of the profile resulting from the
 16 DNA analysis shall be stored and maintained by the bureau in a DNA data bank and shall
 17 be made available only as provided in Code Section 24-4-63. ~~For the purposes of this Code~~
 18 ~~section, the term 'state correctional facility' means a penal institution under the jurisdiction~~
 19 ~~of the Department of Corrections, including inmate work camps and inmate boot camps;~~
 20 ~~provided, however, that such term shall not include a probation detention center, probation~~
 21 ~~diversion center, or probation boot camp under the jurisdiction of the Department of~~
 22 ~~Corrections."~~

23

SECTION 25.

24 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
 25 amended as follows:

26 (1) By striking "provided in subsection (d) of this Code section," and inserting in its place
 27 "provided in subsection (c) of this Code section," in the introductory language of subsection
 28 (a) of Code Section 25-3-23, relating to general requirements, equipment and clothing, and
 29 insurance in regard to local fire departments.

30 (2) By striking "subsection (d) of Code Section 25-3-23." and inserting in its place
 31 "subsection (c) of Code Section 25-3-23." in subsection (a) of Code Section 25-3-25, relating
 32 to suspension or revocation of certificate of compliance, hearing by aggrieved departments,
 33 and enforcement of suspensions or revocations in regard to local fire departments.

34

SECTION 26.

35 Reserved.

SECTION 27.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended as follows:

(1) By inserting a comma immediately following "As used in this subsection" in subsection (c) of Code Section 27-1-16, relating to the establishment of a unit of conservation rangers, qualifications, appointment, and supervisory personnel, and retention of badge and weapon upon disability retirement.

SECTION 28.

Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is amended as follows:

(1) By striking "it" and inserting in its place "them" at the end of Code Section 28-6-7, relating to the Council of State Governments, the Council of State Governments - Clairmont Road, L.L.C., and the Southern Legislative Conference declared joint governmental agencies.

SECTION 29.

Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is amended as follows:

(1) By striking "'VA Guardian'" and inserting in its place "'VA guardian'" in paragraph (26) of Code Section 29-1-1, relating to definitions relative to guardian and ward.

(2) By striking "listed;" and inserting in its place "listed; or" in subparagraph (b)(7)(B) of Code Section 29-2-17, relating to petition for appointment of permanent guardian.

(3) By striking "this state" and inserting in its place "this state," in subsection (c) of Code Section 29-2-25, relating to guardians and bonds.

(4) By striking "all property held" and inserting in its place "all property of the minor held" in subsection (d) of Code Section 29-2-40, relating to petition to resign guardianship, requirements, service, hearing, and appointment of successor guardian.

(5) By striking "against the guardian" and inserting in its place "against the guardian." in subsection (c) of Code Section 29-2-42, relating to the requirement of guardian to answer charges affecting obligations as guardian, revocation of guardianship, and the impact on other proceedings.

(6) By inserting a comma after "successor guardian" the first time it appears in Code Section 29-2-52, relating to delivery of property to a successor guardian and reporting requirements.

(7) By striking "minors" and inserting in its place "minor" in subsection (a) of Code Section 29-3-5, relating to the nomination of testamentary conservator, no notice, bond, or security required, and rights, powers, and duties.

- 1 (8) By inserting "and" after the semicolon at the end of paragraph (4) of subsection (b) of
2 Code Section 29-3-36, relating to an estate plan for a minor, appointment of a guardian ad
3 litem, and considerations prior to a property transfer.
- 4 (9) By striking "filed shall" and inserting in its place "filed, shall" in subsection (c) of Code
5 Section 29-3-61, relating to the interim settlement of accounts, the reporting and
6 requirements of a report, and the procedure for objecting.
- 7 (10) By striking "terminate on" and inserting in its place "terminate either on", by striking
8 "or, earlier," and inserting in its place "or earlier", and by striking "court and where" and
9 inserting in its place "court; and, where" in subsection (a) of Code Section 29-3-64, relating
10 to the termination of conservatorship.
- 11 (11) By striking "Alternatively the" and inserting in its place "Alternatively, the" in
12 subsection (a) of Code Section 29-3-71, relating to final settlements, settlement period,
13 examination of returns and accounts by the court, and the return of property to a minor.
- 14 (12) By striking "property held" and inserting in its place "property of the minor held" in
15 subsection (d) of Code Section 29-3-80, relating to the required showing for a resignation of
16 a conservator, requirement of a name of a suitable alternate, notice, and order appointing a
17 successor conservator.
- 18 (13) By striking "and to the" and inserting in its place "to the" in subsection (a) of Code
19 Section 29-3-81, relating to individuals entitled to notice, appointment of successor
20 conservator, and turning over of property.
- 21 (14) By striking "served; or" and inserting in its place "served;" in paragraph (2) of
22 subsection (b) and by striking "appropriate" and inserting in its place "appropriate," in
23 subsection (c) of Code Section 29-3-91, relating to the appointment of a successor
24 conservator, notice, and hearing and bond requirements.
- 25 (15) By striking "interested person the court" and inserting in its place "interested person,
26 the court" in Code Section 29-3-113, relating to hearings in regard to transfer of
27 conservatorships.
- 28 (16) By striking "evaluation report the court" and inserting in its place "evaluation report,
29 the court" in subsection (a) of Code Section 29-4-12, relating to the judicial review of
30 pleadings and evaluation report, findings, and hearing.
- 31 (17) By striking "the hearing the court" and inserting in its place "the hearing, the court" in
32 subsection (a) of Code Section 29-4-16, relating to the conduct of an emergency guardianship
33 hearing and limitations on emergency guardianship.
- 34 (18) By striking "in this state the bond" and inserting in its place "in this state, the bond" in
35 subsection (c) of Code Section 29-4-30, relating to bond, recording of bond, and payment of
36 costs.

- 1 (19) By striking "than resigning guardian" and inserting in its place "than the resigning
2 guardian" in the introductory language of subsection (c) and by striking "all property held"
3 and inserting in its place "all property of the ward held" in subsection (d) of Code Section
4 29-4-50, relating to the resignation of a guardian, required showing, alternative guardian,
5 individuals entitled to notice, and hearing.
- 6 (20) By striking "malfeasance, misfeasance or nonfeasance" and inserting in its place
7 "malfeasance, misfeasance, or nonfeasance" in subparagraph (b)(1)(A) and by striking
8 "performed;" and inserting in its place "performed; and" in subparagraph (b)(1)(C) of Code
9 Section 29-4-86, relating to the required notice and waiver of notice requirements in regard
10 to the procedure in jurisdiction of guardians of adults.
- 11 (21) By striking "interested person the court" and inserting in its place "interested person,
12 the court" in subsection (a) of Code Section 29-4-87, relating to hearing and stay pending
13 challenge.
- 14 (22) By striking "delivery, transfer or issuance" and inserting in its place "delivery, transfer,
15 or issuance" in the undesignated text of subsection (a) of Code Section 29-5-4, relating to
16 affidavit on property or value of estate, and payment, transfer, or delivery pursuant to
17 affidavit.
- 18 (23) By striking "facility, other" and inserting in its place "facility other" in paragraph (1)
19 of subsection (d) of Code Section 29-5-11, relating to the prerequisite finding prior to the
20 appointment of a conservator; notice, evaluation, and written report in regard to the petition
21 for an appointed conservator.
- 22 (24) By striking "evaluation report" and inserting in its place "evaluation report," in
23 subsection (a) of Code Section 29-5-12, relating the judicial review and proceedings in
24 regard to the petition for an appointed conservator.
- 25 (25) By striking "Code Section 29-3-3," and inserting in its place "Code Section 29-3-3" in
26 paragraph (5) of subsection (c) of Code Section 29-5-23, relating to the authority of a
27 conservator and cooperation with a guardian or other interested parties.
- 28 (26) By inserting "and" after "party;" at the end of paragraph (4) of subsection (b) of Code
29 Section 29-5-36, relating to development of an estate plan for a ward and appointment of a
30 guardian ad litem prior to implementation of a plan.
- 31 (27) By striking "thereon but upon" and inserting in its place "thereon; but, upon" in
32 subsection (c) of Code Section 29-5-41, relating to the terms of a conservator's bond, timing,
33 value, and substantial compliance sufficient.
- 34 (28) By striking "show the court its desire" and inserting in its place "show the court his or
35 her desire" in subsection (a) of Code Section 29-5-49, relating to the discharge of surety from
36 obligations under bond and reporting.

1 (29) By striking "without limitation," and inserting in its place "without limitation" in Code
2 Section 29-5-51, relating to reimbursement for reasonable expenses in regard to the
3 compensation of conservators.

4 (30) By inserting a comma after "dismissed" both times the word appears in subsection (b)
5 and by inserting "of the ward" after "property" in subsection (f) of Code Section 29-5-72,
6 relating to the termination of a conservatorship, the required evidence to support, burden of
7 proof, and death of a ward.

8 (31) By striking "Code Section," and inserting in its place "Code section," in subsection (c)
9 of Code Section 29-5-81, relating to the final settlement, appearance by a ward or successor
10 conservator, and return of property.

11 (32) By striking "all property" and inserting in its place "all property of the ward" in
12 subsection (d) of Code Section 29-5-90, relating to the resignation of a conservator,
13 requirement of a petition, an alternative conservator, notice to interested individuals, and an
14 order of appointment of successor conservator.

15 (33) By striking "that court and" and inserting in its place "that court, and" in subsection (c)
16 of Code Section 29-5-120, relating to a petition for removal and prerequisites in regard to the
17 removal of conservators.

18 (34) By striking "the term 'conservatorship' refers to" and inserting in its place "the term
19 'conservatorship' means", by inserting a comma after "adult", and by striking "with the term
20 ward," and inserting in its place "as the ward," in subsection (a) of Code Section 29-5-125,
21 relating to the definition of "conservatorship," transfer, and the requirements of petition
22 requesting transfer.

23 (35) By striking "by any interested person the court" and inserting in its place "by any
24 interested person, the court" in subsection (a) of Code Section 29-5-127, relating to a hearing
25 on receipt and acceptance of a foreign conservator and a stay of proceedings pending a
26 challenge.

27 (36) By striking "a 'foreign conservator' is" and inserting in its place "the term 'foreign
28 conservator' means" and by striking "the 'ward'" and inserting in its place "the ward," in
29 subsection (a) of Code Section 29-5-135, relating to the definition of a "foreign conservator"
30 and the sale or disposal of property.

31 (37) By striking "30 day period" and inserting in its place "30 day period," in subsection (a)
32 of Code Section 29-9-13, relating to the satisfaction of requirements of authentication or
33 exemplification in regard to guardian and ward court proceedings.

34 **SECTION 30.**

35 Reserved.

1 assistance for local, regional, and public-private streetcar projects. Any funding through
 2 bonds for such pilot and grant program shall be administered by the State Road and
 3 Tollway Authority."

4 **SECTION 33.**

5 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended as
 6 follows:

7 (1) By striking "provided, however, that," and inserting in its place "provided, however,
 8 that" and by striking "this Code section, the Commissioner" and inserting in its place "this
 9 Code section the Commissioner" in subsection (a) of Code Section 33-21-3, relating to the
 10 grounds and procedure for issuance or denial of certificate of authority and endorsement of
 11 change of address upon certificate of authority in regard to health maintenance organizations.

12 (2) By striking "obtain any line of authority" and inserting in its place "obtain a license for
 13 any line of authority" in subparagraph (a)(5)(B) of Code Section 33-23-5, relating to
 14 qualifications and requirements for a license.

15 (3) By striking "The certification shall state," and inserting in its place "The certificate shall
 16 state," in subsection (c) of Code Section 33-23-8, relating to the form and contents of a
 17 license application and fees.

18 (4) By striking "rule or regulations" and inserting in its place "rules or regulations" in
 19 subsection (b) of Code Section 33-23-13, relating to temporary licenses.

20 (5) By striking subsections (c) through (g) of Code Section 33-23-16, relating to insurance
 21 licensing of nonresidents in regard to agents, agencies, subagents, counselors, and adjusters,
 22 and inserting in their place the following:

23 "(c) A nonresident agent who moves from one state to another state or a resident agent who
 24 moves from this state to another state shall file a change of address and provide
 25 certification from the new resident home state within 30 days of the change in legal
 26 residence. No fee or application is required.

27 (d) Notwithstanding any other provision of this title, a person licensed as a surplus lines
 28 broker in such person's home state shall receive a nonresident surplus lines broker license
 29 pursuant to subsection (a) of this Code section. Except as to subsection (a) of this Code
 30 section, nothing in this Code section otherwise amends or supersedes any portion of this
 31 title.

32 (e) Notwithstanding any other provision of this title, a person licensed as a limited ~~line~~
 33 lines credit insurance or other type of limited lines agent in such person's home state shall
 34 receive a nonresident limited lines agent license pursuant to subsection (a) of this Code
 35 section granting the same scope of authority as granted under the license issued by the
 36 agent's home state. For the purposes of this subsection, limited ~~line~~ lines insurance is any

1 authority granted by the home state which restricts the authority of the license to less than
 2 the total authority prescribed in the associated major lines pursuant to applicable Georgia
 3 regulations.

4 (f) The Commissioner may by rule or regulation implement a renewal process and set
 5 expiration dates.

6 (g)(1) A nonresident individual agent shall not act as an agent of an insurer unless the
 7 agent becomes an appointed agent of that insurer. ~~An agent who is not acting as an agent
 8 of an insurer is not required to become appointed.~~ as follows:

9 ~~(1)~~(A) To appoint an individual as its agent, the appointing insurer shall file, pursuant
 10 to Code Section 33-23-26, a notice of appointment within 15 days from the date of
 11 licensure or before the first insurance application is submitted. An insurer may also
 12 elect to appoint an agent to all or some insurers within the insurer's holding company
 13 system or group by the filing of a single appointment request.;

14 ~~(2)~~(B) Upon receipt of the notice of appointment, the Commissioner shall verify within
 15 a reasonable time, not to exceed 30 days, that the insurance agent is eligible for
 16 appointment. If the insurance agent is determined to be ineligible for appointment, the
 17 Commissioner shall notify the insurer within five days of such determination. and

18 ~~(3)~~(C) An insurer shall pay an appointment fee, in the amount and method of payment
 19 set forth in Code Section 33-8-1, for each insurance agent appointed by the insurer.

20 ~~(4)~~(2) An insurer shall remit, in a manner prescribed by the Commissioner, a renewal
 21 appointment fee in the amount as provided for initial appointments set forth in Code
 22 Section 33-8-1.

23 (3) An agent who is not acting as an agent of an insurer is not required to become
 24 appointed."

25 (6) By striking "20 years or more" and inserting in its place "20 years or more," in
 26 subsection (d) of Code Section 33-23-18, relating to issuance of license on continuous basis,
 27 filing for continuation, and continuing education requirements.

28 (7) By striking "in inactive status" and inserting in its place "on inactive status" wherever
 29 it appears in subsection (a) of Code Section 33-23-20, relating to the effect of a license
 30 suspension or placement of a license on inactive status.

31 (8) By striking "agent's certificates of authority" and inserting in its place "agents'
 32 certificates of authority" in subsection (b) of Code Section 33-23-26, relating to agent's
 33 certificate of authority.

34 (9) By striking "resident state" and inserting in its place "resident home state" in
 35 paragraph (2) of subsection (a) of Code Section 33-23-29.1, relating to licensing of
 36 nonresident counselors.

- 1 (10) By striking "cancellable" and inserting in its place "cancelable" in subsection (b) of
2 Code Section 33-24-12, relating to noncomplying conditions or provisions and cancellation
3 of contracts covering uninsurable subjects.
- 4 (11) By striking "subparagraph (H)" and inserting in its place "subparagraph (I)" in
5 subparagraph (e)(3)(J) of Code Section 33-24-45, relating to the cancellation or nonrenewal
6 of automobile or motorcycle policies and procedure for review by the Commissioner.
- 7 (12) By striking "Section 1396 et seq.," and inserting in its place "Section 1396, et seq.," in
8 paragraph (3) of subsection (a) of Code Section 33-24-58.2, relating to the Newborn Baby
9 and Mother Protection Act and minimum health benefit policy coverage, prohibited actions
10 by insurance providers, and required notice to the mother.
- 11 (13) By striking "have been received" and inserting in its place "has been received" in
12 paragraph (1) of subsection (b) of Code Section 33-24-59.5, relating to timely payment of
13 health benefits, notification of failure to pay, and penalty for violation.
- 14 (14) By striking "Section 1396 et seq.," and inserting in its place "Section 1396, et seq.," in
15 paragraph (2) of subsection (c) of Code Section 33-24-59.9, relating to registered nurse first
16 assistants.
- 17 (15) By striking "zip code," and inserting in its place "ZIP Code," in paragraph (1) and by
18 striking "twelve-month" and inserting in its place "12 month" in subparagraph (A) of
19 paragraph (7) of Code Section 33-24-91, relating to the use of credit information to
20 underwrite or rate risks.
- 21 (16) By striking "Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia
22 Annotated." and inserting in its place "Article 4 of Chapter 18 of Title 50." in subsection (b)
23 of Code Section 33-24-95, relating to filing scoring models with the Commissioner of
24 Insurance and confidential nature of the filing.
- 25 (17) By inserting the introductory language "As used in this chapter, the term:" at the
26 beginning of Code Section 33-34A-2, relating to definitions of vehicle protection product
27 warranties.
- 28 (18) By striking "title applicable to insurers shall" and inserting in its place "title, applicable
29 to insurers, shall" and by inserting a semicolon after "paragraph (6) of Code Section 33-35-2"
30 in Code Section 33-35-23, relating to the applicability of Chapter 6 of this title, unfair trade
31 practices.
- 32 (19) By striking "prior April 15," and inserting in its place "prior to April 15," in
33 paragraph (2) of subsection (h) of Code Section 33-37-8.1, relating to the immunity of
34 receivers and employees, indemnification, attorney's fees, approval of settlement, and
35 applicability of provisions.

1 (20) By striking "amount;" and inserting in its place "amount; and" at the end of
2 paragraph (4) of Code Section 33-45-4, relating to administration by the Insurance
3 Department in regard to continuing care providers and facilities.

4 (21) By striking "forego" and inserting in its place "forgo" in paragraph (2) of subsection (b)
5 of Code Section 33-56-6, relating to mandatory control level events and actions by the
6 Commissioner of Insurance.

7 (22) By striking "pamphlet, letter or poster" and inserting in its place "pamphlet, letter, or
8 poster" in subsection (b) of Code Section 33-56-8, relating to the confidentiality of certain
9 information and corrective orders in regard to risk-based capital levels.

10 **SECTION 34.**

11 Reserved.

12 **SECTION 35.**

13 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
14 agencies, is amended as follows:

15 (1) By inserting a comma after "As used in this Code section" in subsection (a) of Code
16 Section 35-2-49.1, relating to the retention of a badge and weapon by a disabled law
17 enforcement officer.

18 (2) By striking "the state" and inserting in its place "this state" in subsection (a), by striking
19 "Bureau" and inserting in its place "bureau" and by striking "his" and inserting in its place
20 "his or her" in paragraph (3) of subsection (b), by striking "on defendant's attorney of record
21 or on defendant" and inserting in its place "on the defendant's attorney of record, or on the
22 defendant" and by striking "against defendant" and inserting in its place "against the
23 defendant" in subsection (c), and by striking "witness' availability" and inserting in its place
24 "witness's availability" in subsection (e) of Code Section 35-3-154.1, relating to the
25 admission of reports from the state crime laboratory.

26 **SECTION 36.**

27 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
28 as follows:

29 (1) By striking "municipality as a named insured shall assume" and inserting in its place
30 "municipality as a named insured; shall assume" in paragraph (1) of subsection (j) of Code
31 Section 36-37-6, relating to the disposition of municipal property generally.

32 (2) By striking "established in" and inserting in its place "established pursuant to" in
33 subsections (c), (d), and (e) of Code Section 36-45-5, relating to the Harold F. Holtz
34 Municipal Training Institute.

SECTION 37.

1
2 Reserved.

SECTION 38.

3
4 Reserved.

SECTION 39.

5
6 Reserved.

SECTION 40.

7
8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
9 amended as follows:

10 (1) By striking "Department of Revenue" and inserting in its place "department" both times
11 it appears in subsection (a) of Code Section 40-3-40, relating to reports and remittances by
12 tag agents.

13 (2) By striking "division (c)(1)(B)(ii) of this Code section," and inserting in its place
14 "division (ii) of subparagraph (B) of this paragraph," and by striking "requirements of
15 subsection (c) of this Code section" and inserting in its place "requirements of this
16 subsection" in subparagraph (c)(1)(B.1) of Code Section 40-5-2, relating to the keeping of
17 records of applications for licenses and information on licensees and furnishing of
18 information.

19 (3) By striking "completion, or has" and inserting in its place "completion or has" in
20 paragraph (1) of subsection (a.1) of Code Section 40-5-22, relating to persons not to be
21 licensed, minimum ages for licensees, school attendance requirements, and driving training
22 requirements.

SECTION 41.

23
24 Title 41 of the Official Code of Georgia Annotated, relating to nuisances, is amended as
25 follows:

26 (1) By striking the single quotation marks and inserting in their place double quotation
27 marks in the first sentence of the undesignated text after subparagraph (a)(4)(B) of Code
28 Section 41-2-9, relating to county or municipal ordinances relating to unfit buildings or
29 structures.

SECTION 42.

30
31 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
32 as follows:

- 1 (1) By striking "Web site;" and inserting in its place "website;" in paragraph (1) of Code
2 Section 42-5-9, relating to the notification of a projected release date of an inmate.
- 3 (2) By inserting "Georgia" before "Superior Court Clerks' Cooperative Authority" in
4 paragraph (1) of subsection (d) and by deleting "to" before "modify or change" in
5 subsection (g) of Code Section 42-8-34, relating to hearings and determinations, referral of
6 cases to probation supervisors, probation or suspension of sentence, payment of fine or costs,
7 disposition of a defendant prior to a hearing, continuing jurisdiction, transferal of probation
8 supervision, and probation fee.
- 9 (3) By striking the single quotation marks and inserting in their place double quotation
10 marks in paragraph (1) of subsection (d) of Code Section 42-8-112, relating to proof of
11 compliance required for reinstatement of certain drivers' licenses and for obtaining a
12 probationary license and reporting requirement.
- 13 (4) By striking "Code Section 42-8-34, and" and inserting in its place "Code Section 42-8-34
14 and" in subsection (b) of Code Section 42-8-152, relating to sentencing to sentencing options
15 system.
- 16 (5) By striking "a warrant, or" and inserting in its place "a warrant or" in Code Section
17 42-8-154, relating to a preliminary hearing in regard to a probation hearing.
- 18 (6) By striking "15 days, but not less than" and inserting in its place "15 days but not less
19 than" in paragraph (2) of subsection (c) of Code Section 42-8-155, relating to hearings
20 regarding violations in regard to probation management.
- 21 (7) By striking "under 14 years of age (now 16)" and inserting in its place "under 16 years
22 of age" in subsection (a) of Code Section 42-9-44.1, relating to sexual offenders, conditions
23 for parole, and information and notice of name, address, crime.

24 **SECTION 43.**

25 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
26 is amended as follows:

- 27 (1) By striking "'Georgia Administrative Procedures Act,'" and inserting in its place
28 "'Georgia Administrative Procedure Act,'" in subsection (c) of Code Section 43-4A-8,
29 relating to the discipline of registered agents and notice and hearing required in regard to
30 athlete agents.
- 31 (2) By striking "0in accordandce" and inserting in its place "in accordandce" in paragraph (1)
32 of subsection (b) of Code Section 43-4B-13, relating to the authority to refuse to grant or to
33 revoke or suspend a license, fines, and revoking suspension in regard to licensing under the
34 Georgia Athletic and Entertainment Commission.
- 35 (3) By striking "full time clinical practice," and inserting in its place "full-time clinical
36 practice," and by striking "full time faculty," and inserting in its place "full-time faculty," in

1 paragraph (1) of subsection (a) of Code Section 43-11-41, relating to the application for a
2 provisional license to practice dentistry by credentials, procedure, criminal background
3 check, and expiration of license.

4 (4) By striking "full time clinical practice," and inserting in its place "full-time clinical
5 practice," and by striking "full time faculty practice," and inserting in its place "full-time
6 faculty practice," in paragraph (1) of subsection (a) of Code Section 43-11-71.1, relating to
7 application for license to practice dental hygiene by credentials, procedure, criminal
8 background check, and expiration of license.

9 (5) By redesignating current paragraph (3) as paragraph (1) and by redesignating current
10 paragraphs (1) and (2) as paragraphs (2) and (3), respectively, in order to correctly
11 alphabetize the definitions in Code Section 43-13-2, relating to "The Driver Training School
12 and Commercial Driver Training School License Act" definitions.

13 (6) By striking "not less that 30 days" and inserting in its place "not less than 30 days" in
14 subsection (j) of Code Section 43-17-3, relating to the registration of paid solicitors.

15 (7) By striking "LPN" and inserting in its place "L.P.N." in subsection (a) and by striking
16 "GPN" and inserting in its place "G.P.N." and by striking "GPN." and inserting in its place
17 "G.P.N." in subsection (b) of Code Section 43-26-33, relating to the use of a title by a
18 licensed practical nurse or applicant.

19 (8) By striking "ADS" and inserting in its place "A.D.S." both times it appears in subsection
20 (b) of Code Section 43-34-72, relating to the use of titles and professional designations in
21 regard to the practice of acupuncture.

22 (9) By striking "after the April 11, 2001," and inserting in its place "after April 11, 2001,"
23 in subsection (g) of Code Section 43-34A-3, relating to the "Patient Right to Know Act of
24 2001" and physician profiles, dissemination to public, content and maintenance requirements,
25 corrections, and judgments prior to April 11, 2001.

26 (10) By striking "designated" and inserting in its place "designed" in paragraph (13) of
27 subsection (a) of Code Section 43-50-27, relating to disciplinary action, emergency action
28 and summary suspension, judicial review, reinstatement, investigatory powers, and voluntary
29 surrender of license or registration in regard to the licensing and registration of veterinarians
30 and veterinary technicians by the State Board of Veterinary Medicine.

31 **SECTION 44.**

32 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended as
33 follows:

34 (1) By striking subsections (a), (b), and (f) of Code Section 44-1-13, relating to the removal
35 of improperly parked cars or trespassing personal property, procedure, the prohibition of

1 automatic surveillance, and penalty and inserting new subsections (a), (b), and (f) to read as
2 follows:

3 "(a) As used in this Code section, the term:

4 (1) 'Department' means the Department of Motor Vehicle Safety.

5 (2) 'Private property' means any parcel or space of private real property.

6 (a.1) Any person or his or her authorized agent entitled to the possession of any ~~parcel or~~
7 ~~space of private real property, hereinafter referred to as 'private property,'~~ shall have the
8 right to remove or cause to be removed from the property any vehicle or trespassing
9 personal property thereon which is not authorized to be at the place where it is found and
10 to store or cause to be stored such vehicle or trespassing personal property, provided that
11 there shall have been conspicuously posted on the private ~~real~~ property notice that any
12 vehicle or trespassing personal property which is not authorized to be at the place where
13 it is found may be removed at the expense of the owner of the vehicle or trespassing
14 personal property. Such notice shall also include information as to the location where the
15 vehicle or personal property can be recovered, the cost of said recovery, and information
16 as to the form of payment; provided, however, that the owner of ~~private residential~~ private
17 property containing not more than four residential units shall not be required to comply
18 with the posting requirements of this subsection. Only towing and storage firms issued
19 permits or licenses by the local governing authority of the jurisdiction in which they
20 operate or by the ~~Department of Motor Vehicle Safety~~ department, and having a secure
21 impoundment facility, shall be permitted to remove trespassing property and trespassing
22 personal property at the request of the owner or authorized agent of the private property.
23 (b) Except as provided in subsection (d) of this Code section, the ~~Department of Motor~~
24 ~~Vehicle Safety, hereinafter referred to as the department,~~ department shall have the
25 authorization to regulate and control the towing of trespassing vehicles on private property
26 if such towing is performed without the prior consent or authorization of the owner or
27 operator of the vehicle, including the authority to set just and reasonable rates, fares, and
28 charges for services related to the removal, storage, and required notification to owners of
29 such towed vehicles. No storage fees shall be charged for the first 24 hour period which
30 begins at the time the vehicle is removed from the property, and no such fees shall be
31 allowed for the removal and storage of vehicles removed by towing and storage firms
32 found to be in violation of this Code section. The ~~Department of Motor Vehicle Safety~~
33 department is authorized to impose a civil penalty for any violation of this Code section in
34 an amount not to exceed \$2,500.00."

35 "(f) It shall be unlawful and punishable by a fine of \$1,000.00 for any towing and storage
36 firm, permitted or unpermitted, licensed or unlicensed, to enter into any agreement with
37 any person in possession of private ~~real~~ property to provide automatic or systematic

1 surveillance of such property for purposes of removal and relocation of any such vehicle
 2 or trespassing personal property except upon call by such person in possession of such
 3 private real property to such towing and storage firm for each individual case of trespass;
 4 provided, further, that it shall be unlawful and punishable by a fine of \$1,000.00 for any
 5 towing and storage firm to pay to any private real property owner or one in possession of
 6 private real property any fee or emolument, directly or indirectly, for the right to remove
 7 a vehicle or trespassing personal property from said private real property."

8 (2) By striking "superior liens or encumbrances but" and inserting in its place "superior liens
 9 or encumbrances, but" in subsection (c) of Code Section 44-3-232, relating to assessments
 10 against lot owners as constituting lien in favor of the property owners' association, additional
 11 charges against lot owners, procedure for foreclosing lien, and obligation to provide
 12 statement of amounts due.

13 **SECTION 45.**

14 Reserved.

15 **SECTION 46.**

16 Reserved.

17 **SECTION 47.**

18 Reserved.

19 **SECTION 48.**

20 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 21 amended as follows:

22 (1) By striking "_____ DISTRICT _____" and inserting in its place "_____, DISTRICT
 23 _____," in the form in subsection (g) of Code Section 48-4-78, relating to identification of
 24 properties on which ad valorem taxes are delinquent, petition for tax foreclosure, contents
 25 of petition, and notice.

26 (2) By striking "division (1)(E)(iii) of this subsection," and inserting in its place "division
 27 (1)(E)(iii) of subsection (a) of this Code section," both times it appears in subsection (a.1)
 28 of Code Section 48-5-7.4, relating to bona fide conservation use property, residential
 29 transitional property, application procedures, penalties for breach of covenant, classification
 30 on tax digest, and annual report.

31 (3) By striking paragraph (10) of Code Section 48-7-1, relating to definitions in regard to
 32 income taxes, and inserting in its place the following:

33 "(10)(A) 'Resident' means:

1 ~~(A)~~(i) Every individual who is a legal resident of this state on income tax day;

2 ~~(B)~~(ii) Every individual who, though not necessarily a legal resident of this state,
3 nevertheless resides within this state on a more or less regular or permanent basis and
4 not on the temporary or transitory basis of a visitor or sojourner and who so resides
5 within this state on income tax day; and

6 ~~(C)~~(iii) Every individual who on income tax day has been residing within this state
7 for 183 days or part-days or longer, in the aggregate, of the immediately preceding
8 365 day period.

9 ~~(D)~~(B) Every individual who, having become a resident of this state for income tax
10 purposes under ~~subparagraphs (A) and (B)~~ divisions (i) and (ii) of subparagraph (A) of
11 this paragraph, is deemed to continue to be a resident of this state until the person
12 shows to the satisfaction of the commissioner that he or she has become a legal resident
13 or domiciliary of another state and that he or she does not come within ~~subparagraph~~
14 ~~(C)~~ division (iii) of subparagraph (A) of this paragraph. Upon such a showing with
15 respect to any 12 month period immediately preceding income tax day, the person shall
16 be taxable as a resident of this state only to the date of becoming a nonresident on an
17 apportionment basis as prescribed in Code Section 48-7-85.

18 ~~(E)~~(C) Every individual who becomes a resident of this state for income tax purposes
19 under ~~subparagraphs (A) and (B)~~ divisions (i) and (ii) of subparagraph (A) of this
20 paragraph for the first time during the 12 month period immediately preceding income
21 tax day and who does not otherwise come within ~~subparagraph (C)~~ division (iii) of
22 subparagraph (A) of this paragraph shall be taxable as a resident only from the date of
23 becoming a resident on an apportionment basis as prescribed in Code Section 48-7-85."

24 (4)(A) By striking "January 1 2008," and inserting in its place "January 1, 2008," in
25 division (a)(5)(A)(xi) of Code Section 48-7-27, as amended by Ga. L. 2004, p. 102, Sec.
26 1, relating to computation of taxable net income.

27 (B) By striking "lump-sum distributions" and inserting in its place "lump sum
28 distributions" in subparagraph (b)(1)(C) of Code Section 48-7-27, relating to computation
29 of taxable net income.

30 (5) By striking "the the shift from" and inserting in its place "the shift from" in the
31 introductory language of subsection (b) of Code Section 48-7-40.11, relating to tax credit for
32 shift from ground-water usage.

33 (6) By striking subsection (a) of Code Section 48-7-40.18, relating to tax credits for
34 businesses headquartered in this state and full-time jobs, and inserting in its place the
35 following:

36 "(a) Any business enterprise, as defined in Code Section 48-7-40, executing an agreement
37 pursuant to subsection (a) of Code Section 48-7-31.1 for purposes of paragraph (1) of

1 subsection (d) of Code Section 48-7-31 shall be allowed, beginning in the taxable year in
2 which it establishes its headquarters in this state or relocates its headquarters to this state,
3 a tax credit calculated in the same amounts and under the same principles as the credit
4 established by Code Section 48-7-40.17. Except as otherwise provided in this Code section,
5 the credit established by the Code section shall be subject to the same definitions,
6 limitations, and carry-forward provisions as the credit established by Code Section
7 48-7-40.17; provided, however, that the term 'headquarters' means the principal central
8 administrative office of such business enterprise; and provided, further, that for the first
9 taxable year in which it is claimed, all or part of the credit established by this Code section
10 may be applied against taxes imposed under this article for the taxable year immediately
11 preceding that taxable year by amendment to a return or returns for such year."

12 (7) By striking "29 U.S.C. section 213(a)(1), as such Act existed" and inserting in its place
13 "29 U.S.C. Section 213(a)(1), as such act existed" in the undesignated text at the end of
14 paragraph (4) of subsection (a) of Code Section 48-7-40.24, relating to conditions for taking
15 job tax credit by business enterprises and calculating that credit.

16 (8) By striking "act of God" and inserting in its place "acts of God" in subparagraph
17 (a)(2)(B) of Code Section 48-7-40.25, relating to conditions for credit for business
18 enterprises with existing manufacturing facilities and calculating that credit.

19 (9) By striking "in this subsection (f))" and inserting in its place "in this subsection)" in
20 subsection (f) of Code Section 48-7-42, relating to affiliated entity defined, assignment of
21 corporate income tax credit, carryover of unused credit, and joint and severable liability.

22 (10) By deleting the quotation marks around "lookback period" in paragraph (4) of
23 subsection (b) of Code Section 48-7-103, relating to quarterly, monthly, and jeopardy returns,
24 tax payments, and forms in regard to current income tax payment.

25 (11) By striking "tax exempt organization" and inserting in its place "tax-exempt
26 organization" in paragraph (41) of Code Section 48-8-3, relating to exemptions from the state
27 sales and use tax.

28 (12) By striking "tax;" and inserting in its place "tax; and" at the end of paragraph (3) of
29 subsection (b) and by inserting a colon after "apply to" at the end of the introductory
30 language of subsection (c) of Code Section 48-8-6, relating to prohibition of political
31 subdivisions from imposing various taxes, ceiling on local sales and use taxes, and taxation
32 of mobile telecommunications.

33 (13) By striking "administration;" and inserting in its place "administration; and" in
34 paragraph (1) of subsection (a) and by striking "period; or" and inserting in its place "period."
35 in division (b)(2)(A)(i) of Code Section 48-8-115, relating to disbursement of tax proceeds.

1 (14) By striking "Except as otherwise provided in subsection (b) of this Code section, the"
2 and inserting in its place "The" in paragraph (2) of Code Section 48-8-206, relating to
3 disbursement of proceeds of water and sewer projects and costs tax.

4 (15) By striking "petroleum gas or" and inserting in its place "petroleum gas, or" both times
5 it appears in paragraph (8) of subsection (b) of Code Section 48-9-3, relating to levy of
6 excise tax on motor fuels.

7 (16) By striking "boundaries of this state; and who:" and inserting in its place "boundaries
8 of this state and who:" in paragraphs (3) and (8) of Code Section 48-11-1, relating to
9 definitions in regard to taxes on tobacco products.

10 (17) By striking "Georgia Administrative Procedures Act." and inserting in its place
11 "Georgia Administrative Procedure Act." in subsection (f) of Code Section 48-11-4, relating
12 to licensing of persons engaged in the tobacco business, initial and annual fee, suspension
13 and revocation, registration and inspection of vending machines, bond by distributor,
14 jurisdiction, and licensing of promotional activities.

15 (18) By striking "As used in this subsection the term" and inserting in its place "As used in
16 this subsection, the term" in subsection (d) of Code Section 48-11-19, relating to powers and
17 duties of special agents and enforcement officers of the Department of Revenue, bond, duties
18 following arrests, and retention of weapon and badge upon retirement.

19 (19) By striking "air conditioning" and inserting in its place "air-conditioning" each time it
20 appears in subsections (a), (b), and (c) of Code Section 48-13-29, relating to compliance by
21 counties and municipalities with certain provisions, electronic or mail application process,
22 payment of fees, no establishment of system of permitting required, and plans or
23 specifications by mail in regard to specific, business, and occupation taxes.

24 (20) By striking "terms of three years" and inserting in its place "terms of office of three
25 years" in paragraph (1) of subsection (b) of Code Section 48-13-56.1, relating to the Hotel
26 Motel Tax Performance Review Board.

27 (21) By inserting a semicolon after "machines" at the end of division (2)(A)(xviii) of Code
28 Section 48-17-1, relating to definitions regarding the taxation of coin operated amusement
29 machines.

30 **SECTION 49.**

31 Reserved.

32 **SECTION 50.**

33 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
34 as follows:

1 (1) By striking "paragraph (2) of subsection (a) of Code Section 50-16-180" and inserting
2 in its place "paragraph (2) of Code Section 50-16-180" in subsection (a) of Code Section
3 50-16-183, relating to procedure for acquisition of public property by condemnation.

4 **SECTION 51.**

5 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended as follows:

6 (1) By striking "For purposes of" and inserting in its place "As used in" in subsection (a) of
7 Code Section 51-1-29.4, related to liability of voluntary health care providers and sponsoring
8 organizations, cumulative immunity, and application.

9 (2) By striking "to viewers or listeners or" and inserting in its place "to viewers or listeners,
10 or" in paragraph (1) and by striking "satellite transmission or" and inserting in its place
11 "satellite transmission, or" in paragraph (2) of subsection (a) of Code Section 51-1-50,
12 relating to immunity of broadcasters from liability for Levi's Call: Georgia's Amber Alert
13 Program.

14 **SECTION 52.**

15 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and
16 watercraft, is amended as follows:

17 (1) By striking "near shore" and inserting in its place "nearshore" in paragraph (1) and by
18 striking "provided, however" and inserting in its place "provided, however," in paragraph (2)
19 of subsection (a) of Code Section 52-9-2, relating to disposal of sand and sediment
20 originating from water navigation related projects.

21 **SECTION 53.**

22 Reserved.

23 **SECTION 54.**

24 Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code
25 section, subsection, paragraph, subparagraph, division, and subdivision numbers and
26 designations as contained in the Official Code of Georgia Annotated published under
27 authority of the state by The Michie Company in 1982 and contained in Volumes 3 through
28 40 of such publication or replacement volumes thereto, as amended by the text and
29 numbering of Code sections as contained in the 2004 supplements to the Official Code of
30 Georgia Annotated published under authority of the state in 2004 by LEXIS Publishing, are
31 reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia.
32 Annotations; editorial notes; Code Revision Commission notes; research references; notes
33 on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title,

1 chapter, article, part, and subpart captions or headings, except as otherwise provided in the
2 Code; catchlines of Code sections or portions thereof, except as otherwise provided in the
3 Code; and rules and regulations of state agencies, departments, boards, commissions, or other
4 entities which are contained in the Official Code of Georgia Annotated are not enacted as
5 statutes by the provisions of this Act. Material which has been added in brackets or
6 parentheses and editorial, delayed effective date, effect of amendment, or other similar notes
7 within the text of a Code section by the editorial staff of the publisher in order to explain or
8 to prevent a misapprehension concerning the contents of the Code section and which is
9 explained in an editorial note is not enacted by the provisions of this section and shall not be
10 considered a part of the Official Code of Georgia Annotated. The reenactment of the
11 statutory portion of the Official Code of Georgia Annotated by this Act shall not affect,
12 supersede, or repeal any Act of the General Assembly, or portion thereof, which is not
13 contained in the Official Code of Georgia Annotated and which was not repealed by Code
14 Section 1-1-10, specifically including those Acts which have not yet been included in the text
15 of the Official Code of Georgia Annotated because of effective dates which extend beyond
16 the effective date of the Code or the publication date of the Code or its supplements. The
17 provisions contained in other sections of this Act and in the other Acts enacted at the 2005
18 regular session of the General Assembly of Georgia shall supersede the provisions of the
19 Official Code of Georgia Annotated reenacted by this section.

20

SECTION 55.

21 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
22 law without such approval, except as otherwise provided in subsection (b) of this section.

23 (b)(1) Paragraph (7) of Section 20 of this Act shall become effective on July 1, 2005.

24 (2) Subparagraph (A) of paragraph (4) of Section 48 of this Act shall become effective
25 on January 1, 2006.

26

SECTION 56.

27 All laws and parts of laws in conflict with this Act are repealed.